

Message Text

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ACTION EUR-25

INFO OCT-01 ADP-00 AID-20 CEA-02 CIAE-00 COME-00 EB-11

EA-11 FRB-02 INR-10 IO-13 NEA-10 NSAE-00 RSC-01

OPIC-12 TRSE-00 CIEP-02 LAB-06 SIL-01 OMB-01 OIC-04

STR-08 SS-15 NSC-10 L-03 H-02 RSR-01 /171 W

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R 011314Z JUL 73

FM USMISSION OECD PARIS

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INFO AMEMBASSY ANKARA

AMEMBASSY ATHENS

AMEMBASSY BERN

AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY CANBERRA

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY THE HAGUE

AMEMBASSY HELSINKI

AMEMBASSY LISBON

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

AMEMBASSY MADRID

AMEMBASSY OSLO

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY REYKJAVIK

AMEMBASSY ROME

AMEMBASSY STOCKHOLM

AMEMBASSY TOKYO

AMEMBASSY VIENNA

AMEMBASSY WELLINGTON

USMISSION EC BRUSSELS UNN

USMISSION USNATO

USMISSION GENEVA

USMISSION US NEW YORK

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E.O. 11652 N/A

TAGS: ETRD, EGEN, OECD, US PARTY (TCWO)

SUBJ: TRADE COMMITTEE WORKING/ON GOVERNMENT PROCUREMENT

REF: STATE 122557

PASS STR

1. SUMMARY. TCWP WAS SUCCESSFUL IN REMOVING
SOME AREAS OF DISAGREEMENT IN DOCUMENT TO BE PRESENTED
TO TRADE COMMITTEE. BASIC DIVERGENCES REMAIN AND NO
FURTHER RESLUTION LIKELY AT TCWP. IMPROVED, BUT STILL
HEAVILY BRACKETED, DRAFT CODE WILL BE PRESENTED TO TRADE
COMMITTEE. END SUMMARY.

2. TCWP MEETING, JUNE 25-29, WAS SUCCESSFUL IN REMOVING
SOME AREAS OF DISAGREEMENT IN TECHNIAL PORTION OF DRAFT
INSTRUMENT ON GOVERNMENT PROCUREMENT (TFD/TD/720). SOME
BRACKETS WERE ELIMINATED FROM PRESENT TEXT, LARGELY
AT US INITIATIVE. HOWEVER, LITTLE PROGRESS MADE IN

BRIDGING MAJOR GAPS.

3. FOLLOWING WERE SIGNIFICANT DEVELOPMENTS ON SPECIFIC

ISSUES:

PUBLICITY-PREVIOUS UNCONDITIONAL AGREEMENT OF
FRENCH, DANES AND OTHERS FOR EX ANTE PUBLICITY WITHDRAWN
ON BASIS THEY WOULD NOT AGREE AS LONG AS DOCUMENT CONTAINS
PROVISIONS FOR PUBLIC OPENING OF BIDS AND FOR EX POST
PUBLICITY.

JAPANESE POSITION-JAPANESE DELEGATION, FOR FIRST
TIME, HAD EXTENSIVE COMMENTS FROM TOKYO ON DRAFT
INSTRUMENT BUT WERE CLEARLY WARY OF SURFACING THEM.
CORRIDOR CONVERSATION INDICATED THIS WAS BECAUSE JAPANESE
OECD MISSION CLEARLY THINKS TOKYO IS TOO RESTRICTIVE ON
THIS ISSUE AND NEED PERSUASION. AT LUNCH GIVEN BY
KITAMURA FOR US DELEGATION HE URGED US TO USE ALL

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AVAILABLE OPPORTUNITIES IN BILATERAL CONVERSATIONS
IMPRESS ON GOJ (NOTABLY FINANCE MINISTRY OFFICIALS)
SERIOUSNESS OF US INTENTIONS RE GOVERNMENT PROCUREMENT
AND CONSEQUENT NEED FOR MORE LIBERAL APPROACH BY
JAPANESE.

4. ON MAJOR ISSURES, DISCUSSIONS REVEALED LITTLE CHANGE.
POSITION ON DEROGATIONS REMAINS UNCHANGED, WITH LDC'S

ARGUING FOR GENERAL DEROGATION CLAUSE. DISCUSSIONS
INDICATED WIDE DISAGREEMENT ON ULTIMATE LEGAL CHARACTER
OF INSTRUMENT, WHETHER MANDATORY OR HORTATORY, SELF-
BALANCING OR LINKED TO OTHER NTB'S IN CONTEXT OF MTN
AND WITH OR WITHOUT SANCTIONS. GREEK AMBASSADOR MADE
SPECIAL APPEARANCE CLEARLY INDICATING WISH THAT INSTRUMENT
BE DEVELOPED IN WIDER FORUM (READ GATT). FRENCH DEL IN
PARTICULAR STRESSED UNCERTAINLY OF FINAL NATURE OF PAPER
EMBODYING GOVERNMENT PROCUREMENT GUIDELINES. CONSENSUS
OF GROUP (INCLUDING US DEL) WAS THAT NO FURTHER PROGRESS
ON THESE ISSUES LIKELY TO BE MADE AT WORKING GROUP LEVEL.

5. STREAMLINED VERSION OF TFD/TD/720 WHICH ISSUES FROM
THIS MEETING, PLUS REVISED SECRETARIAT PAPER ON
DEROGATIONS WILL BE PRESENTED TO TC IN FULFILLMENT OF
DIRECTIVE TO TCWP TO PRODUCE DRAFT GOVERNMENT PROCUREMENT
GUIDELINES. DOCUMENT TECHNICALLY IMPROVED. HOWEVER,
DIFFICULT ISSUES BASIC TO ENTIRE EXERCISE-DEROGATIONS,
SANCTION, THRESHOLD, NATURE OF INSTRUMENT AND EXTENT OF
COVERAGE-REMAIN FOR RESOLUTION AT HIGHER LEVEL.

6. FUTURE WORK, TCWP RESISTED EFFORT TO UPDATE LIST
THEIR SUBMISSIONS. SECRETARIAT WILL DISTRIBUTE FOR
COMMENT REVISED MATERIAL ON PARAGRAPHS 41-45 (ENFORCE-
MENT AND SURVEILLANCE) OF TFD/TD/720.

7. SECRETARIAT AND SOME DELEGATIONS, IN PRIVATE
CONVERSATION WITH US DEL, NOTED THAT CALL FOR SPECIAL
TC MEETING ON GOVERNMENT PROCUREMENT CAME AT US
INITIATIVE AND CLEARLY INDICATED THEY EXPECT US TO
TAKE LEAD IN TC CONSIDERATION OF WP REPORT. DEL
BELIEVES SUCCESS OF SPECIAL MEETING DEPENDENT ON
EXTENSIVE AND CAREFUL US PREPARATION IN ADVANCE OF
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MEETING.
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Message Attributes

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30 JUN 2005

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